

CAUSE NO. \_\_\_\_\_

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IN THE DISTRICT COURT  
  
366<sup>TH</sup> JUDICIAL DISTRICT  
  
COLLIN COUNTY, TEXAS

**BENCH TRIAL DISCOVERY CONTROL PLAN AND SCHEDULING ORDER**

The following was agreed by the parties and/or ORDERED by the Court:

- Check this box for a **LEVEL 2 Discovery** Control Plan pursuant to the Texas Rules of Civil Procedure

**-OR-**

- Check this box for a **LEVEL 3 Discovery** Control Plan and complete the below items:
  1. The deadline for filing **amended pleadings** is \_\_\_\_\_
  2. The deadline for filing **special exceptions** to pleadings is \_\_\_\_\_
  3. All **discovery** shall be completed by \_\_\_\_\_
  4. Limits for **depositions**: \_\_\_\_\_
  5. Limits on **interrogatories** and **requests for production**: \_\_\_\_\_
  6. **Designations of Experts**: the party seeking affirmative relief on an issue shall provide a designation of testifying experts by \_\_\_\_\_; the party not seeking affirmative relief on an issue shall provide a designation of its testifying experts by \_\_\_\_\_
  7. All **dispositive motions** (summary judgment, plea to jurisdiction, plea in abatement, etc.) shall be filed and heard by \_\_\_\_\_
- **Discovery requests** must be propounded in adequate time to allow a timely response by the deadline.
- All **expert challenges** must be filed at least 10 days before hearing/trial.
  - **Mediation is not required as long as one party files a written objection with the court stating the reasons for requesting excusal.** Mediation is/was on \_\_\_\_\_ with \_\_\_\_\_. The desire to mediate is not a valid reason for continuance of a trial setting.  
Tex. Gov't Code Ch. 36: If court-appointed, the mediator is approved for up to 8 hours at a fee of no more than \$3,000 to be paid by the parties. Any additional time/fees are by agreement of the parties and not subject to reporting by the court.
- **Interview of Child in Chambers.** If requested, the child interview per 153.009 is set for \_\_\_\_\_  
*(Unless the interview is scheduled on this order or is docketed with the court before the day of trial, it is waived. Please review the court policies, found on the court website, for further clarification with regards to settings for this purpose.)*
- This case is set for a **Formal Pre-Trial Conference** on \_\_\_\_\_.

***If you cannot get an opposing counsel or party to sign this order or agree to a trial date, please file a letter describing your efforts and submit your proposed scheduling order to the court***

1. All **pre-trial motions** (motions in limine, etc.) shall be filed at least 10 days before the formal pre-trial conference and will be heard at the formal pre-trial conference. **The Court will not hear pre-trial motions on the day of jury selection without prior leave of court.**
2. Unless good cause is shown, all **expert challenges** shall be heard no later than the formal pre-trial, and written objections must be on file at least 10 days before hearing.

***ALL PARTIES ARE REQUIRED TO APPEAR FOR PRE-TRIAL UNLESS EXCUSED BY THE COURT PRIOR TO THE HEARING.***

- **Bench Trial.** This matter is set for a **Trial Before the Court** on \_\_\_\_\_ at 9:00 a.m.  
*(As there may be more than one case set for trial on a given day, please note: Trials set at 9:00 a.m. may not finish before lunch. You may be reached in the afternoon. Please plan accordingly.)*
- **Time Required for Trial** – \_\_\_\_\_ hours per side. *(No more than 2.5 hours per side without leave of court.)*

Signed and approved on \_\_\_\_\_

\_\_\_\_\_  
JUDGE TOM NOWAK OR DESIGNEE

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
Respondent

\_\_\_\_\_  
Other

***If you cannot get an opposing counsel or party to sign this order or agree to a trial date, please file a letter describing your efforts and submit your proposed scheduling order to the court***